

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA; FORT WORTH
CHAMBER OF COMMERCE;
LONGVIEW CHAMBER OF
COMMERCE; AMERICAN
BANKERS ASSOCIATION;
CONSUMER BANKERS
ASSOCIATION; and TEXAS
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU; and ROHIT CHOPRA, in his
official capacity as Director of the Consumer
Financial Protection Bureau,

Defendants.

Case No. 24-cv-213-P

BRIEF IN RESPONSE TO COURT ORDER OF MAY 13, 2024

Plaintiffs offer this response to the Court's order of May 13, 2024, requesting briefing on which pleadings remain live in this case and the current posture thereof. *See* Ord., No. 24-cv-213, ECF No. 83 (May 13, 2024).

The only pleading that remains live in this case is the complaint filed on March 7. *See* Compl., No. 24-cv-213, ECF No. 1. The CFPB's response to that complaint is due on May 28 and will become live at that time. *See* Ord., No. 24-cv-213, ECF No. 76. There have been several other motions and oppositions filed by the parties in this case, but none are live. All of them have been resolved or rendered moot by this Court's grant of a preliminary injunction, the United States Court of Appeals for the Fifth Circuit's rulings, changes in the circumstances of the case, or all of the above. *See* Op., No. 24-10266, ECF No. 19 (granting Plaintiffs' petition for a writ of mandamus and vacating the transfer order); Op. & Ord., No. 24-cv-213, ECF No. 82 (granting Plaintiffs' motion for preliminary injunction).

In light of the foregoing, Plaintiffs propose that the best way to move this case forward is twofold. First, Plaintiffs propose that the Court set a supplemental briefing schedule to address what impact the Supreme Court's forthcoming decision in *CFPB v. Community Financial Services of America, Ltd.* (Dkt. 22-448) has on this litigation, including the preliminary injunction that this Court granted on May 10 and the pending Fifth Circuit proceedings. *See* Op. & Ord., No. 24-cv-213, ECF No. 82 (granting motion for preliminary injunction based on Fifth Circuit's decision in *Community Financial Services of America, Ltd. v. CFPB*, 51 F.4th 616 (5th Cir. 2022), *cert granted*, 143 S. Ct. 978 (2023)); Unpublished Ord., No. 24-10248, ECF No. 105 (ordering limited remand and retaining jurisdiction). One reasonable approach would be for the Court to request simultaneous letter briefs due one week after the Supreme Court's decision is issued.

Second, Plaintiffs suggest that the Court set a briefing schedule on cross-dispositive motions to advance the case as to the other four claims. Plaintiffs propose the following schedule:

May 28, 2024	Deadline for Defendants to produce administrative record to Plaintiffs.
June 10, 2024	Deadline for Plaintiffs to file motion for summary judgment.
July 1, 2024	Deadline for Defendants to file combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment.
July 22, 2024	Deadline for Plaintiffs to file combined reply in support of their motion for summary judgment and opposition to Defendants' cross-motion for summary judgment.
August 5, 2024	Deadline for Defendants to file reply in support of their cross-motion for summary judgment.

This schedule is consistent with, although not identical to, a cross-dispositive motion schedule in another case involving the same parties as this case. *See, e.g., Ord., Chamber of Commerce of the United States of America v. CFPB*, No. 6:22-cv-00381 (E.D. Tex). This schedule, as well as the simultaneous briefs discussed above, also would help to set expectations for regulated parties and the government as to the timing of potential changes in the regulatory framework.

Thank you for the opportunity to provide briefing on this important issue at this time and in the future with respect to any issues raised by the CFPB.

Dated: May 15, 2024

Respectfully submitted,

/s/ Michael Murray

Michael Murray

D.C. Bar No. 1001680

Admitted Pro Hac Vice

michaelmurray@paulhastings.com

Tor Tarantola

D.C. Bar No. 1738602

Admitted Pro Hac Vice

tortarantola@paulhastings.com

PAUL HASTINGS LLP

2050 M Street NW

Washington, DC 20036

(202) 551-1730

Philip Vickers
Texas Bar No. 24051699
pvickers@canteyhanger.com
Derek Carson
Texas Bar No. 24085240
dcarson@canteyhanger.com
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, TX 76102
(817) 877-2800

Attorneys for Plaintiffs

Thomas Pinder
D.C. Bar No. 451114
Admitted Pro Hac Vice
tpinder@aba.com
Andrew Doersam
D.C. Bar No. 1779883
Admitted Pro Hac Vice
adoersam@aba.com
AMERICAN BANKERS ASSOCIATION
1333 New Hampshire Ave. NW
Washington, DC 20036
Attorneys for Plaintiff American Bankers Association

Tara S. Morrissey
D.C. Bar No. 991019
Admitted Pro Hac Vice
TMorrissey@uschamber.com
Maria C. Monaghan
D.C. Bar No. 90002227
Admitted Pro Hac Vice
mmonaghan@uschamber.com
U.S. CHAMBER LITIGATION CENTER
1615 H Street NW
Washington, DC 20062
Attorneys for Plaintiff Chamber of Commerce of the United States of America

CERTIFICATE OF SERVICE

I certify that on May 15, 2024, a true and correct copy of the foregoing document was served on counsel of record via this Court's ECF system.

/s/ Michael Murray
Michael Murray